

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SCA-01 JUSE-00 DEAE-00 SNM-02

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 4262

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FOR DEA HQS, ATTN CHIEF COUNSEL

E.O. 11652: N/A

TAGS: SNAR, AR

SUBJECT: EXTRADITION: TRAVEL TO THE US OF ARGENTINE EXPERT

REF: A. BA 2946, B. STATE 153162

1. THOMAS A.J. BOYWITT, AN ARGENTINE PARTNER IN THE PRESTIGIOUS BA LAW FIRM OF BRONS AND SALAS, WILL BE IN THE US FOR APPROXIMATELY TEN DAYS COMMENCING NOV 19. BOYWITT FORMERLY A TRIAL ATTORNEY IN THE GOA MINISTRY OF JUSTICE, IS COMPLETELY KNOWLEDGEABLE ABOUT ARGENTINE EXTRADITION PROCEDURES, THE GOA-USG EXTRADITION TREATIES AND, OF COURSE, THE WORKINGS OF THE LOCAL COURT SYSTEM. BRONS AND SALAS, PRIMARILY UTILIZING THE SERVICES OF BOYWITT, UNOFFICIALLY ASSISTED THE EMBASSY IN ONE CASE AND BOYWITT IS FAMILIAR WITH THE DETAILS OF AT LEAST ONE OTHER.

2. STANLEY A. BRONS, SENIOR PARTNER IN THE FIRM AND FOR FIVE YEARS US ASSISTANT DISTRICT ATTORNEY IN MIAMI HAS AGREED THAT BOYWITT CAN, IF SO REQUESTED, PROCEED TO WASHINGTON TO EXPLAIN AND DISCUSS WITH STATE, DEA, AND/OR JUSTICE, THE MECHANICS OF THE ARGENTINE SYSTEM, THE LEGAL REASONS WHY THE LOCAL COURTS HAVE THUS FAR DENIED US EXTRADITION REQUESTS, AND POSSIBLE REMEDIAL ACTION.

3. WE KNOW THAT WASHINGTON SHARES OUR FRUSTRATION AT LOCAL COURT
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ACTION IN RENDERING FIVE CONSECUTIVE REFUSALS TO HONOR EXTRADITION

REQUESTS AND BELIEVE THAT AFTER LEARNING FROM BOYWITT THE REASONS FOR SUCH REFUSALS WILL RECONSIDER THE EMBASSY'S REQUEST TO RETAIN A LOCAL FIRM (REF A), A COURSE OF ACTION WHICH THE JUSTICE DEPARTMENT "DOES NOT BELIEVE NECESSARY," (REF B), A POSITION WHICH THE EMBASSY CANNOT, RPT NOT, SHARE, PARTICULARLY IN LIGHT OF THE TRACK RECORD TO DATE.

4. BOYWITT WILL BE TRAVELLING EXTENSIVELY WHILE IN THE US BUT CAN BE LOCATED AT ANY GIVEN TIME BY HIS FIRM'S TELEX SYSTEM.

ACTION REQUESTED:

5. BY STATE: THE EMBASSY STRONGLY RECOMMENDS THAT THE SENIOR OFFICERS IN S/NM AND L/T AVAIL THEMSELVES OF BOYWITT'S VISIT TO LEARN THE DETAILS OF ARGENTINE LAW AND PRACTICE ON EXTRADITION.

6. BY DEA: BOYWITT BELIEVES THAT IT JUST MIGHT BE POSSIBLE THAT THE LOCAL COURTS WOULD HONOR A NEW REQUEST FOR THE EXTRADITION OF FRANCISCO CHIAPPI, IF IT WERE RESUBMITTED IN AN ACCEPTABLE FORM. SPEAKING AS A FORMER US ATTORNEY, BRONS, WHO STATED HE HAS PROSECUTED BOTH TAX AND NARCOTICS CASES IN THE US, SAID HE BELIEVED THAT A RESUBMISSION COULD BE ARRANGED. BOYWITT STATED HE IS PREPARED TO DISCUSS METHODOLOGY WITH THE US ATTORNEY AND THE DEA AGENT MOST FAMILIAR WITH THE CASE. GIVEN CHIAPPI'S IMPORTANCE AS A TRAFFICKER, THE EMBASSY STRONGLY FAVORS ANY LEGAL METHOD UNDER WHICH HE COULD BE BROUGHT TO JUSTICE AND BELIEVES MEETINGS WITH BOYWITT SHOULD BE HELD. WE ALSO BELIEVE THAT A MEETING WITH THE DEA CHIEF COURSE WOULD BE USEFUL. DEA RD BACHRACH CONCURS.
KREBS

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